UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,822	06/04/2001	Darrel D. Cherry	10007421-1	5406

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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/873,822	CHERRY ET AL.
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 January 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-47</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has amended claims 6, 43 and 45-47.
Claims 1-47 are pending.

Response to Arguments

1.   Applicant's arguments filed 1/5/2006 have been fully considered but they are not

persuasive.

A.   Regarding independent claims 1, 14, 20, 31 and 37, Applicant argues in substance
        that cited prior art, *Menezes et al*, fails to teach "relational context information
        specifying the relation of individual operation parameter...to an aggregate of
        operational parameters" (Remarks page 3).

A.1.   Examiner respectfully disagrees. *Menezes et al* teaches that the capabilities of the

computers can be forwarded from one computer to another, wherein a capabilities cache is

allotted in the computer system to store the custom and application capabilities received from

other computer systems (Abstract, Figure 7, col.6 lines 23-29). From the capabilities lists, the

receiving computers are able to determine the most efficient data format for communicating with

the other computers, which means that the computers derive relational context information from

the collection of capabilities data received from other computer system in order to determine

their relation with the other computers—i.e. if they share mutually compatible data formats or

not (Figure 4, col.10 lines 37-54). *Menezes et al* therefore teaches the above claim limitation by

provisioning a capabilities cache within each computer system that stores the capabilities

received from other computer systems in the network, which allows for the computer systems to

determine their processing abilities relative to the other computer systems of the network (col.9 lines 1-16 and 53-56). Applicant's arguments are therefore non-persuasive and the rejection of the above claims is maintained.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Goffinet et al* (US 5,905,906) in view of *Menezes et al* (US 5,621,894).

    a.   **Regarding claim 1,** *Goffinet et al* teach a system comprising: server communicatively coupled to a communication network; aggregate context information specifying operational parameters available via said communication network, wherein said aggregate context information is communicatively accessible by said server (col.1 lines 46-48, col.2 lines 3-14); and at least one device communicatively coupled to said communication network, wherein said at least one device includes operational specification information specifying individual operational parameters of said at least one device stored locally to said at least one device (col.6 lines 29-39).

        Yet, *Goffinet et al* fail to explicitly teach wherein said at least one device further includes relational context information stored locally thereto specifying the relation of said individual operational parameters of said at least one device to said aggregate of operational

parameters available via said communication network. However, *Menezes et al* teach wherein said at least one device further includes relational context information stored locally thereto specifying the relation of said individual operational parameters of said at least one device to said aggregate of operational parameters available via said communication network (abstract, col.6 lines 19-35, col.8 lines 48-67, col.10 lines 28-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Goffinet et al* and *Menezes et al* because it provides an efficient means for communicating information about the operational capabilities of devices to other devices within a network and maintaining the information locally on devices by storing such information on the devices in order to assure that the devices are aware of the capabilities of the other networked devices. Doing so thus facilitates communication between devices in a manner appropriate and consistent with their operable abilities and permits the transmission of information between devices about data related to their operational parameters and capabilities.

b.   **Regarding claims 14, 31 and 37,** *Goffinet et al* teach a device and computer program for providing relational content intelligence to a device communicatively connectable to a communication network, said device comprising: operational specification information stored locally thereto, wherein said operational specification information includes information specifying individual operational parameters of said device (col.6 lines 29-39); means for receiving aggregate context information specifying an aggregate of operational parameters available via said communication network (col.1 lines 46-48, col.2 lines 3-14).

Yet, *Goffinet et al* fail to explicitly teach means for mapping at least a portion of said operational specification information onto the received aggregate context information to

generate relational context information specifying the relation of said individual operational parameters of said device to said aggregate of operational parameters available via said communication network. However, *Menezes et al* teach means for mapping at least a portion of said operational specification information onto the received aggregate context information to generate relational context information specifying the relation of said individual operational parameters of said device to said aggregate of operational parameters available via said communication network (col.6 lines 19-35, col.8 lines 48-67, col.10 lines 28-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Goffinet et al* and *Menezes et al* because it provides an efficient means for communicating information about the operational capabilities of devices to other devices within a network and maintaining the information locally on devices by storing such information on the devices in order to assure that the devices are aware of the capabilities of the other networked devices. Doing so thus facilitates communication between devices in a manner appropriate and consistent with their operable abilities and permits the transmission of information between devices about data related to their operational parameters and capabilities.

c.   **Regarding claim 20,** *Goffinet et al* teach a method for providing relational context intelligence to a network device, said method comprising the steps of: communicatively coupling a server to a communication network; communicatively coupling a first network device to said communication network; receiving at said server from said first network device operational specification information specifying individual operational parameters of said first network device; updating aggregate context information at said server to reflect the received operational specification information, wherein said aggregate context information specifies an

aggregate of operational parameters available via said communication network; communicating at least a portion of said aggregate context information to said first network device (col.1 lines 46-48, col.2 lines 3-14, col.6 lines 29-39).

Yet, *Goffinet et al* fail to explicitly teach said first network device generating relational context information specifying a relation of said first network device's operational parameters to operational parameters of other network devices communicatively coupled to said communication network; and storing said relational context local to said first network device. However, *Menezes et al* teach said first network device generating relational context information specifying a relation of said first network device's operational parameters to operational parameters of other network devices communicatively coupled to said communication network; and storing said relational context local to said first network device (col.6 lines 19-35, col.8 lines 48-67, col.10 lines 28-54). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Goffinet et al* and *Menezes et al* because it provides an efficient means for communicating information about the operational capabilities of devices to other devices within a network and maintaining the information locally on devices by storing such information on the devices in order to assure that the devices are aware of the capabilities of the other networked devices. Doing so thus facilitates communication between devices in a manner appropriate and consistent with their operable abilities and permits the transmission of information between devices about data related to their operational parameters and capabilities.

d.   **Regarding claim 7,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Menezes et al* further teach the system wherein said relational context information includes

information comparing one or more of said individual operational parameters of said at least one device to like operational parameters of other devices coupled to said communication network (col.8 lines 48-67, col.9 lines25-35, col.11 line 54-col.12 line 5).

e.   **Claims 19, 24, 36 and 42** are substantially similar to claim 7 and are therefore rejected under the same basis.

f.   **Regarding claim 8,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Menezes et al* further teach the system wherein said at least one device includes a software application executable thereon to receive at least a portion of said aggregate context information and map one or more of said individual operational parameters of said at least one device onto the received aggregate context information to generate said relational context information (col.5 lines 27-38, col.7 lines 37-57, col.10 lines 28-54; *Goffinet et al*: col.1 lines 46-48, col.2 lines 3-14, col.6 lines 29-39).

g.   **Claims 21 and 32** are substantially similar to claim 8 and are therefore rejected under the same basis.

h.   **Regarding claim 9,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Menezes et al* further teach wherein said server includes a software application executable thereon to map said aggregate context information into relational categories (col.11 line 54-col.12 line 11, col.13 line 18-col.14 line 67).

i.   **Claims 15, 25 and 44** are substantially similar to claim 9 and are therefore rejected under the same basis.

j.   **Regarding claims 10,** *Goffinet et al* and *Menezes et al* teach the system of claim 9, *Menezes et al* further teach wherein said relational categories includes different categories for

different values of an operational parameter (col.13 line 18-col.14 line 67, col.15 line 5-col.16 line 14).

k.   **Regarding claim 11,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Menezes et al* further teach wherein said at least one device includes a software application executable thereon to map one or more of said individual operational parameters of said at least one device onto proper relational categories of said aggregate context information (col.11 line 54-col.12 line 11, col.13 line 18-col.14 line 67, col.15 line 5-col.16 line 14).

l.   **Claim 26** is substantially similar to claim 11 and is therefore rejected under the same basis.

m.   **Regarding claim 12,** *Menezes et al* teach the system of claim 11, wherein said software application is executable to respond to a received query as to whether one or more of said operational parameters of said at least one device are within a particular relational category of said aggregate context information (col.5 lines 19-47, col.11 lines 3-50, col.19 lines 22-39).

n.   **Claims 27 and 45** are substantially similar to claim 12 and are therefore rejected under the same basis.

o.   **Regarding claim 16,** *Goffinet et al* and *Menezes et al* teach the device of claim 14 *Menezes et al* further teach, wherein said relational context information is stored locally to said device (Figure 7, col.6 lines 19-35, col.8 lines 48-67).

p.   **Claims 33 and 39** are substantially similar to claim 16 and are therefore rejected under the same basis.

q.   **Regarding claim 2,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Goffinet et al* further teach wherein said communication network is a network selected from the

group consisting of: general purpose processor-based information network, PSTN, wireless network, LAN, WAN, modem to modem connection, the Internet, an Intranet, an Extranet, and any combination thereof (col.4 lines 5-8).

r.   **Regarding claim 3,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Goffinet et al* further teach wherein said aggregate context information includes information specifying an aggregate of operational parameters available via a totality of devices communicatively coupled to said communication network (col.1 lines 46-48, col.2 lines 3-14).

s.   **Claim 22** is substantially similar to claim 3 and is therefore rejected under the same basis.

t.   **Regarding claim 4,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Goffinet et al* further teach the system of claim 1, wherein said aggregate context information includes information specifying an aggregate of operational parameters available via a totality of devices of a particular type communicatively coupled to said communication network (col.1 lines 46-48, col.2 lines 3-14, col.7 lines 6-7).

u.   **Claims 17, 23, 34 and 40** are substantially similar to claim 4 and are therefore rejected under the same basis.

v.   **Regarding claim 5,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Goffinet et al* further teach the system of claim 1, wherein said aggregate context information includes information specifying one or more ranges of operational parameters available via devices coupled to said communication network (col.1 lines 46-48, col.2 lines 3-14, col.7 lines 6-7).

w.   **Claims 18, 35 and 41** are substantially similar to claim 5 and are therefore rejected under the same basis.

x.   **Regarding claim 6,** *Goffinet et al* and *Menezes et al* teach the system of claim 1, *Goffinet et al* further teach the system wherein said at least one device is selected from the group consisting of: printers, processor-based devices, data storage devices, fax machines, optical scanners, PDAS, digital cameras, and any peripheral device capable of being communicatively coupled, either directly or indirectly, to said communication network (col.1 lines 46-48; *Menezes et al*: Abstract, col.5 lines 1-4).

y.   **Claim 43** is substantially similar to claim 6 and is therefore rejected under the same basis.

z.   **Regarding claim 13,** *Goffinet et al* and *Menezes et al* teach the system of claim 1 *Goffinet et al* further teach wherein said at least one device includes a software application executable thereon to communicate said operational specification information to said server, and wherein said server includes a software application executable thereon to receive said operational specification information and update said aggregate context information to reflect said operational specification information (col.1 lines 46-48, col.2 lines 3-14, col.6 lines 29-39; *Menezes et al*: col.7 lines 37-59, col.8 lines 20-47, col.10 lines 28-54).

aa.   **Claims 28-30** are substantially similar to claim 13 and are therefore rejected under the same basis.

bb.   **Regarding claim 38,** *Goffinet et al* and *Menezes et al* teach the computer program product of claim 37, *Goffinet et al* further teach wherein said device comprises said computer-readable storage medium local thereto, and wherein said device includes a processor for

executing said computer readable program code (col.1 lines 46-48, col.2 lines 3-14; *Menezes et al*: col.5 lines 1-5, col.5 line 66-col.6 line 22).

    cc.   **Regarding claim 46,** *Goffinet et al* and *Menezes et al* teach the computer program product of claim 37, *Goffinet et al* further teach wherein said computer readable program code further comprises: code executable to communicate said operational specification information to a server via said communication network (col.1 lines 46-48, col., lines 3-14).

    dd.   **Regarding claim 47,** *Goffinet et al* teaches the computer program product of claim 46 wherein said code executable to receive said aggregate context information is executable to receive said aggregate context information from said server via said communication network (col.1 lines 46-48, col.2 lines 3-14).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shima (6,940,615), Owa et al (6,348,971), Ogino (6,909,520), Kato (6,760,120), Imai (6,990,659), Nihei (6,891,634).

5.   **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
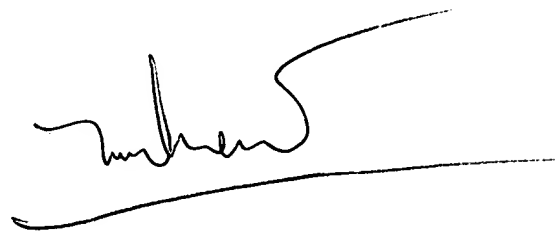
final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The

examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds